

UNITED STATES DISTRICT COURT
DISTRICT of MASSACHUSETTS

Civil Action No: 04CV-11557 RCL

JOSEPH BOOK,
Plaintiff

V.

DEPARTMENT OF STATE POLICE,
COMMONWEALTH OF MASSACHUSETTS and
STATE TROOPER KURT M. FERRAZANI (No. 2355), STATE TROOPER SMITH
(No. 2586), STATE TROOPER MACKENZIE (No. 1138), and STATE TROOPER
HENNIGAN (ID unknown),
Defendants

Pretrial Memorandum

PLAINTIFFS STATEMENT OF THE CASE

The plaintiff Joseph Book was involved in a traffic incident at the rotary at Rte 1 and 60 in Revere Massachusetts. The incident occurred during the afternoon of June 6, 2001 during a period of heavy traffic. Mr. Book's vehicle was in a line waiting to exit Rte. 1 South ramp onto the rotary. A motorcyclist was involved in the incident. Four State troopers responded to the scene. The police investigation was to accuse Mr. Book of reeking of alcohol, and being intoxicated. No field sobriety tests were made. Mr. Book was arrested, handcuffed behind his back, and jammed into the state police cruiser.

Mr. Book was 81 years old, a World War II veteran, a member of the Massachusetts Bar for 47 years. He had never been involved in a criminal matter with the exception of defending people in his entire life. He was embarrassed, humiliated, and shocked to be accused of intoxication while driving when he had not had any alcoholic beverage. At the police station, he was tested twice on a Breathalyzer, which read 0.00. At this point the police officers huddled and conferred to decide on a charge since they had already arrested him. He was charged with driving to endanger (G. L. c.90 sec.24)

Mr. Book as an experienced attorney knew that a serious traffic incident at a busy dangerous intersection required immediate and rapid investigation to be able to identify witnesses. Because of the rapid and rigid determination of the police officer defendants to arrest Mr. Book, no investigation was done. Not by Mr. Book, and not by the police

officers. As a result of this failure to investigate the incident, Mr. Book's ability to defend both criminal charges and civil allegations was severely financially detrimentally impaired. The financial loss was significant in damages, attorney's fees and litigation expenses.

Mr. Book required medical attention due to the aftermath of this stressful, humiliating event. He suffered a series of minor "shocks." He remains emotionally disturbed by the incident of his arrest. His humiliation at being called intoxicated by the police, of being handcuffed and jammed into a police cruiser has not abated in the time that has past.

Mr. Book has valued his claim for damages at \$500,000.00

DEFENDANTS' STATEMENT OF THE CASE

The defendants dispute the plaintiff's allegations.

Plaintiff's Memorandum Continued

Timetable:

The plaintiff is in Florida for the winter season with plans to return at the end of April. The discovery timetable reflects this situation.

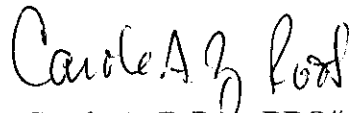
Written Discovery to be completed by June 30, 2005
Depositions to be completed by August 31, 2005
Rule 26 Expert disclosures by September 15, 2005 (plaintiff)
Expert disclosures by October 15, 2005 (defendants)
Dispositive motions to be filed by November 30, 2005
Responses to dispositive motions to be filed by December 31, 2005

Potential trial date by February 28, 2006

Costs of discovery and litigation to be born by each party

The plan is for a jury trial sometime in February of 2006.
The timetable is agreed to by both parties still litigating.

By Plaintiff's attorney

A handwritten signature in black ink that reads "Carole A. Z. Root". The signature is written in a cursive, flowing style.

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